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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,899	10/29/2003	Dean Jeffrey Bidwell	2000P09037US02	9252

7590 03/13/2006

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,899

Applicant(s)

BIDWELL ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites a control panel connected to the stand at a position more centered than off-centered on the control panel along at least one dimension. There is no indication, however, what that dimension is referring to or where that dimension is located. Claims 2-12 and 25-27 depend, either directly or indirectly from claim 1, and are therefore rejected for at least the same reasons.

Claim Rejections - 35 USC § 102/103

Claims 13, 14, 16-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,129,397 to Jingu. Referring to claim 13, Jingu discloses an ultrasound system stand (20) for use with an ultrasound system (see Fig. 2), the stand comprising a control panel (46) connected with the stand and inherently operatively connected with the ultrasound system, a display (62) above the control panel (46), and a transducer connector (82) connected with the stand (2), a top of the transducer connector (82) being below a top of the display (62), wherein the control panel is oriented at more than 10 degrees and less than 80 degrees to the transducer connector, the orientation relative to an operator position. Jingu discloses the claimed orientation, since an operator has the

Art Unit: 2835

ability to position, i.e., orient, the control panel (46), utilizing post (24) and arm (26) of the stand. See Figs. 5 and 7 and the corresponding specification.

Likewise, the embodiment shown in Figs. 11-13 indicates a top of a transducer connector (not numbered) above a lowest portion of a control panel (108). Fig. 13 shows a connector (not numbered) or connection at the lower portion of 122 for cable 118. As such, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a connector or connection for the cable 118 at a position that allows user to replace the portion of the cable shown Fig. 13, without having to completely disassemble the stand. Likewise, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 14, Fig. 11 of Jingu shows a movable stand as substantially claimed, wherein at least a portion of the transducer connector is a same height as a least a portion of the control panel. As mentioned above, rearranging parts of the invention involves only routine skill in the art.

Referring to claim 16, Jingu discloses an ultrasound system stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 17, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 18, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 19, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 20, Jingu discloses a movable stand, further comprising a transducer hanger (not numbered) connected with the stand on a same side of the stand as the transducer connector. See Fig. 9, which shows hanger at display (62).

Referring to claim 21, Fig. 9 of Jingu shows a movable stand, further comprising at least one caster (22) connected with a bottom of the stand.

Referring to claims 23 and 24, the method steps are necessitated by the device structure disclosed by Jingu. See Figs. 7-9 and the corresponding specification.

Claim Rejections - 35 USC § 103

Claims 1-8, 9-12, 22 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu. Referring to claim 1, Jingu discloses a moveable stand (20) for operating a data system, the moveable stand comprising a control panel (46) connected to the stand, and an accessory device (84) having a user interface (i.e., slot opening), the accessory device on the stand, and a transducer connector (82) on a vertical portion of the stand, the user interface of the accessory device and transducer connector on different sides of the control panel relative to an operator position (see Fig. 9). Jingu also discloses the control panel (46) oriented at more than 10 degrees and less than 80 degrees to the user interface of the accessory device (84) and to the

transducer connector (82), the orientation relative to an operator position, since an operator has the ability to position, i.e., orient, the control panel (46) as claimed, utilizing post (24) and arm (26). See Figs. 5 and 7 and the corresponding specification.

Although Jingu does not specifically teach the control panel connected to the stand at a position more centered than off-centered, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 2, Jingu discloses a movable, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle more than 30 degrees and less than 60 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 3, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at angle more than 40 degrees and less than 50 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 4, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 5, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented at more than 10 degrees and less than 80 degrees to any side of the accessory device (84), the accessory device comprising a generally rectilinear volume-having four sides, a top and a bottom. See Figs. 7 and 9 and the corresponding specification.

Referring to claim 6, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 7, Fig. 9 of Jingu shows a movable stand, further comprising a display device (62) positioned above the control panel (46), wherein the accessory device (84) is positioned below the control panel.

Referring to claim 8, Fig. 11 of Jingu shows a movable stand as substantially claimed, wherein at least a portion of the transducer connector is a same height as a least a portion of the control panel. As mentioned above, rearranging parts of the invention involves only routine skill in the art.

Referring to claim 9, Jingu discloses a movable stand, further comprising a display (62) above the control panel (46), wherein a top of the transducer connector (82) is below a top of the display and above a lowest portion of the control panel (see Fig. 2).

Referring to claim 10, Jingu discloses a movable stand, wherein the accessory device (84) comprises at least one of a printer and a video-cassette recorder (see col. 5, lines 60-61).

Referring to claim 11, Jingu discloses a movable stand, further comprising at least one caster (22) connected with a bottom of the stand. See Figs. 2-10 and col. 3, line 66.

Referring to claim 12, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Referring to claim 22, Jingu inherently discloses a method for ergonomically connecting ultrasound system components as claimed, including orienting the control panel (46) at more than 10 degrees and less than 80 degrees to the transducer connector (82) relative to the operator

Art Unit: 2835

position, the transducer connector (82) spaced 90 to 270 degrees around the diameter of the ultrasound system stand from the user interface of the accessory device (84). See Figs. 7 and 9 and the corresponding specification.

Referring to claims 26 and 28, Jingu discloses a movable stand wherein the control panel "mounts to the stand" and "is mounted on the stand" to the stand. See col. 4, lines 51-55, which teaches both rotatable and fixed or locked positioning of the control panel on the stand.

Referring to claim 27, Jingu discloses a movable stand, wherein the control panel has a back edge relative to the operator position, the control panel connected to the stand at a center of the back edge (see Fig. 7).

Referring to claim 29, Jingu discloses a movable stand, wherein the control panel (46) is positionable to be oriented between the connector and the user interface at an angle of about 45 degrees. See Fig. 7 and the corresponding specification.

Referring to claim 30, Jingu discloses a movable stand, wherein the control panel comprises at least a keyboard, the operation position is facing the keyboard substantially perpendicular to rows of keys of the keyboard (see col. 4, lines 37-42).

Referring to claim 31, Jingu discloses a movable stand, further comprising an ultrasound system within the moveable stand (see col. 3, lines 62-66).

Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jingu in view of U.S. Patent No. 6,493,220 to Clark et al. Jingu discloses the invention as claimed, except for the accessory device provided within the stand. Clark teaches placing or housing an accessory device (430) within a stand (414) of an ultrasound system (see Fig. 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

stand of Jingu to position or house the accessory device within the stand, as taught by Clark et al., since this would eliminate the need for placing devices on the top surface of the stand of Jingu (see Fig. 9), thereby providing a less cluttered and but more pleasing unit to the eye.

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive. Regarding claims 13 and 23, as indicated above, Fig. 13 shows a "connector" or connection means provided on the lower portion of rack (122). A person of ordinary skill in the art at the time of the invention would have found it obvious to provide a "connector" for the cable (118) at the position as claimed, since this position would allow a user to replace only the portion of the cable shown Fig. 13, without having to completely disassemble the stand.

Regarding claims 1 and 22 and in response to applicant's argument that the extension and rotation of Jingu maximizes the degree of freedom available to the user, which by applicant's own admission, the applicant's device lacks, it must be noted that Jingu discloses the invention as claimed, since the recitation of a control panel connected to the stand at a position more centered than off-centered does not carry patentable weight. The differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made.

Regarding claim 28, as indicated above, Jingu discloses a movable stand wherein the control panel "mounts to the stand" and "is mounted on the stand" to the stand, as defined by the applicant, since the control panel is both rotatable and fixed, or is simple locked with respect to the stand.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 3, 2006

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